

**ENTERED**

November 13, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,

§

VS.

§

CIVIL ACTION NO. 1:20-CV-95

4.620 ACRES OF LAND, MORE OR LESS, *et*  
*al.*,

§

Defendants.

§

**ORDER**

The United States of America moved for an order requiring the Defendants and all persons in possession or control of the property described in the Complaint in Condemnation (Doc. 1) and Declaration of Taking (Doc. 2) to immediately surrender possession of the condemned estate to the United States. (Motion, Doc. 10)

The Court ordered the Defendants to file a Response in opposition to the Motion by no later than November 4, 2020. (Order, Doc. 17) The Defendants did not file a Response. The Court considers the failure to file a Response as an indication that the opposing party agrees to the relief requested in the Motion. *See* S.D. TEX. L.R. 7.4 (“Failure to respond to a motion will be taken as a representation of no opposition.”).

As a result, it is:

**ORDERED** that the Opposed Motion for Order of Immediate Possession (Doc. 10) is

**GRANTED;**

**ORDERED** that all Defendants and all persons in possession or control of the property described in the Complaint shall surrender possession of said property to the extent of the estate being condemned to the Plaintiff immediately;

**ORDERED** that a notice of this Order shall be served on all persons in possession or control of the said property without undue delay;

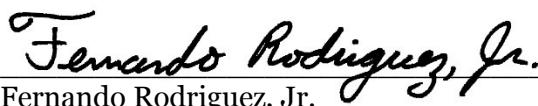
**ORDERED** that this Order is without prejudice to the rights of Defendants to present

evidence on the amount of just compensation to be paid and to share in the ward; and

**ORDERED** that this case will remain open for the issue of just compensation.

It is also **ORDERED** that the United States of America's Opposed Emergency Motion for Expedited Hearing on Opposed Motion of the United States of America for Order for Immediate Possession (Doc. 19) is **DENIED** as moot.

SIGNED this 13th day of November, 2020.

  
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Fernando Rodriguez, Jr.  
United States District Judge